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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

In the Matter of the Complaint

CIVIL ACTION NO.:

-of-

Ronald Kaminski, as Owner of a 1999, 32 foot
fishing boat named “RONEO ♥ JULIETTE”
for Exoneration from or Limitation of Liability

**COMPLAINT FOR
EXONERATION FROM OR
LIMITATION OF LIABILITY**

Petitioner.

Petitioner, Ronald Kaminski, as Owner of a 1999, 32 foot fishing boat named “RONEO ♥ JULIETTE”, as and for his Complaint for Exoneration from or Limitation of Liability, alleges upon information and belief as follows:

JURISDICTION AND VENUE

1. This is a proceeding for Exoneration from or Limitation of Liability pursuant to 46 U.S.C. §§ 30501 *et seq.*, involving admiralty and maritime claims within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and Rule F of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, as hereinafter more fully appears.

2. The Court has admiralty and maritime jurisdiction over this proceeding pursuant to Article III, Section 2 of the Constitution of the United States and 28 U.S.C. § 1333, because, including but not limited to, the alleged incident involved a vessel on the navigable waters of the United States, more specifically in vicinity of Mill Basin, Jamaica Bay, New York, thereby satisfying the

requirements for invoking the Court's admiralty jurisdiction.

3. Venue in this district is proper because the vessel is currently located in Kings County, New York.

THE PARTIES

4. Petitioner Ronald Kaminski was and now is at all times an individual residing and domiciled in the State of New York.

5. Petitioner is the Owner and/or Owner *pro hac vice* of a 1999, 32 foot fishing boat named "RONEO ♥ JULIETTE" ("the vessel").

PETITION FOR EXONERATION FROM OR LIMITATION OF LIABILITY

6. On or about June 29, 2018, the vessel was upon the navigable waters of the United States in Jamaica Bay near Mill Basin, when a vessel collision is claimed to have occurred involving a motorized, inflatable boat with two persons onboard, allegedly resulting in injury.

7. Any claims for loss, damage and/or injury arising from the alleged incident were not due to any fault, neglect, or want of care on the part of petitioner.

8. If any fault caused or contributed to the claims for loss, damage and/or injury arising from the alleged incident, which is denied, such fault, neglect, or want of care was occasioned and occurred without petitioner's privity or knowledge.

9. The value of the vessel after the alleged incident was \$65,000.00 (Exhibit "A", vessel valuation).

10. Petitioner offers an *Ad Interim* Stipulation for value totaling the amount of \$65,000.00, said amount not less than petitioner's interest in the value of the vessel on the date of the alleged incident, for payment into Court whenever the same shall be ordered, upon motion, as provided for by the aforesaid statute, and by Rule F of the Supplemental Rules for Admiralty or Maritime

Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, and by the rules and practices of this Court. (Exhibit “B”, *Ad Interim* Stipulation for Value).

11. Petitioner anticipates there will be potential claims arising out of the alleged incident, with the nature of the potential claims having an amount that may exceed the value of petitioner’s interest in the vessel on the date of the alleged incident.

12. Petitioner timely commenced this proceeding prior to receiving written notice of claim.

13. Petitioner is entitled to exoneration from liability for any claims arising from the aforementioned alleged incident, and from any and all claims that have been or may hereafter be made.

14. Petitioner claims, in the alternative, the benefit of limitation of liability to the value of the vessel provided by 46 U.S.C. §30501 *et seq.*, and the various statutes supplementary thereto and amendatory thereof.

WHEREFORE petitioner prays:

(1) That this Court issue an Order to include the following:

- a. Directing the issuance of Notice to all persons asserting claims with respect to the June 29, 2018 alleged incident, which this Complaint seeks Exoneration from or Limitation of Liability, to file their respective claims with the Clerk of this Court and to serve undersigned counsel for petitioner a copy hereof on or before a date to be named in the Notice.
- b. Directing petitioners to file an *Ad Interim* Stipulation for Value as security for the benefit of any and all claimants, in the amount of petitioner’s interest in the value of the vessel as of the date of the alleged incident, with interest at the rate of 6% *per annum* from the date of said security or whenever the Court shall so order.
- c. Directing that upon petitioner’s filing of the *Ad Interim* Stipulation for Value, an

injunction shall issue enjoining the prosecution against petitioner, its representatives, insurers, and the vessel, of any and all claims, suits, actions, or proceedings, whether or not already begun, with respect to the alleged incident, except in this proceeding (Restraining Order).

(2) That this Honorable Court adjudge that petitioner is not liable for any claims for loss, damage and/or injury arising out of the June 29, 2018 alleged incident, and is therefore entitled to exoneration from liability.

(3) If petitioner is adjudged liable, that such liability be limited to the petitioner's interest in the value of the vessel as of the date of the alleged incident in the maximum amount of \$65,000.00, and that petitioner be discharged therefrom upon the surrender of such interest, and that the money surrendered, paid or secured as aforesaid, to be divided *pro rata* according to the above-mentioned statutes among such claimant(s) as may duly prove their claim saving to all parties any priorities to which they may be legally entitled, and that a decree may be entered discharging petitioner from all further liability.

(4) That petitioner may have such other and further relief as justice may require.

Dated: New York, New York
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